

**THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

BRIAN HAUGER,)	
)	
Plaintiff,)	Civil Action Case No.
)	
v.)	1:25-cv-01058-VMC
)	
SDWC FINANCIAL, LLC and)	
MEREDITH BRUCE,)	
)	
Defendants.)	

DEFENDANTS’ MOTION TO STAY PROCEEDINGS

Defendants SDWC Financial, LLC (“SDWC”) and Meredith Bruce (“Bruce”) hereby file this Motion to Stay Proceedings:

I. This Action Is an Ancillary Proceeding Prohibited by This Court’s Receivership Order.

1.

Plaintiff filed this action on February 28, 2025, in violation of the injunction and stay provisions of this Court’s August 13, 2024 Order in a related SEC action, *SEC v. Drive Planning, LLC and Russell Todd Burkhalter*, No. 1-24-cv-03583, Doc. 10 (N.D. Ga. 2024) (“Receivership Order”).

2.

The Receivership Order enjoins and stays all “Ancillary Proceedings,” defined as “[a]ll civil legal proceedings of any nature, including, but not limited to”

actions “involving,” *inter alia*, “any Receivership Property, wherever located,”¹ the “Receivership Defendant,” (*i.e.*, Drive Planning), or Drive Planning’s “past or present. . . agents.” Receivership Order ¶ 32.

3.

This action involves each of these subjects and thus qualifies as an “Ancillary Proceeding” that should be stayed.

4.

This action involves Drive Planning. *See, e.g.*, [Doc. 20] Am. Compl. ¶ 2 (“The Ponzi scheme was orchestrated and carried out by Drive Planning, LLC. . . .”). The Amended Complaint is replete with allegations that Drive Planning and its founder, Russell Todd Burkhalter, perpetrated a Ponzi scheme. *See generally* Am. Compl.

5.

This action involves Drive Planning’s property because Plaintiff seeks, *inter alia*, “[d]isgorging from Defendants any fees, commissions, or other compensation that they received in connection with causing Plaintiffs to enter into REAL agreements,” *id.* ¶ 109, and “disgorgement of profits obtained by Defendants as a

¹ “Receivership Property” is defined as “all property interests of” Drive Planning, including but not limited to “moneys, . . . credits, . . . claims, rights and other assets, . . . or other income attributable thereto, of whatever kind, which the Receivership Defendant . . . has a beneficial interest in.” Receivership Order ¶ 7.A.

result of their acts of unjust enrichment,” *id.* at Prayer.

6.

This action also involves Drive Planning’s former “agents.” Plaintiff repeatedly alleges in the Amended Complaint that SDWC and Bruce were agents of Drive Planning. *See, e.g., id.* ¶ 15 (“Burkhalter and Drive Planning paid sales agents, including SDWC and Bruce . . .”); *id.* ¶ 57 (“On June 24, 2024, Burkhalter sent an email to Defendants and other agents representing Drive Planning . . .”); *id.* ¶ 122 (“The Drive Planning investments were unregistered securities, not exempt from registration, sold by unlicensed agents and broker-dealers like Defendants.”). *See also, e.g., id.*, ¶¶ 17; 31; 59 (referring to Defendants as “agents” of Drive Planning).

7.

Because this lawsuit plainly violates the Receivership Order’s injunction on Ancillary Proceedings, this lawsuit should be stayed, as several courts have done nationwide at the Receiver’s urging in lawsuits filed against Drive Planning and its former agents. *See SEC v. Drive Planning, LLC and Russell Todd Burkhalter*, No. 1-24-cv-03583, Doc. 220 (N.D. Ga. 2024) (Receiver’s Fourth Status Report, dated July 30, 2025, describing claims filed against Drive Planning and its agents/employees that have been stayed).

II. This Action Should Be Stayed Because the Receiver Has Filed a Lawsuit Against Defendants Involving Overlapping Claims and Damages.

8 .

On August 13, 2025, the Receiver filed suit against various individuals and entities, including SDWC and Bruce (“Receiver Suit”). *Murena v. CQ Consulting Services, LLC et al.*, No. 1-25-cv-04587, Doc. 1 (N.D. Ga. 2025) (“Receiver Suit Compl.”).

9.

The Receiver Suit involves many of the same facts at issue in this action. The central claim of the Receiver Suit is that “[the Drive Planning scheme] relied on numerous agents (including Defendants) to promote and expand its reach by convincing numerous investors to ‘invest’ their retirement accounts and to take hard-money loans secured by hard-earned equity in their homesteads to use the loan proceeds to ‘invest’ in Drive Planning and reap the alleged 40% ‘returns’ promised to ‘investors.’” Receiver Suit Compl. ¶ 6.

10.

The Receiver alleges that the Receiver Suit “furthers the Receiver’s duties to seek to investigate and pursue claims to recover assets of Drive Planning to return to its investors who lost approximately \$220 million dollars at the hands of, among others, Quintana and the other Agents the Receiver sues in this ancillary action.”

Id. ¶ 14.

11.

The Receiver has brought actual and constructive fraudulent transfer claims under the Georgia Uniform Voidable Transactions Act, *id.* ¶¶ 286-348, as well as an unjust enrichment claim under Georgia common law that is substantially similar to Plaintiff's unjust enrichment claim in this action, *id.* ¶¶ 349-374. Both unjust enrichment claims allege that Defendants' commissions from Drive Planning were unjust benefits. *Compare id.* ¶ 359 with Am. Compl. ¶¶ 126, 128.

12.

The Receiver Suit substantially overlaps with this case with regard to issues of liability and damages. Thus, this Court should stay the proceedings in this case to promote judicial economy and avoid conflicting decisions.

WHEREFORE, Defendants respectfully request that this Court grant their Motion to Stay.

Respectfully submitted this 26th day of August, 2025.

s/ Jeffrey D. Horst

Jeffrey D. Horst

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing document has been prepared in accordance with the font type and margin requirements of LR 5.1, using font type of Times New Roman and a point size of 14.

CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed *Defendants' Motion to Stay Proceedings* by using the Court's CM/ECF filing system, which will automatically provide service of such filing to all parties of record.

This 26th day of August, 2025.

s/ Jeffrey D. Horst

Jeffrey D. Horst

Counsel for Defendants